

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>KELVIN SUTTON,</b>	:	<b>CIVIL ACTION NO. 1:19-CV-2080</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>DR. PAUL NOEL, DR. HARESHA PANDYA,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 19th day of October, 2021, upon consideration of defendant Noel's motion (Doc. 32) for summary judgment, and the parties' respective briefs in support of and opposition to said motion, and for the reasons set forth in the accompanying Memorandum, it is hereby ORDERED that:

1. The motion (Doc. 32) is GRANTED in part and DENIED in part as follows.
2. Defendant Noel's motion for summary judgment on plaintiff's Eighth Amendment claim is GRANTED. Entry of judgment is deferred pending further order of court.
3. Defendant Noel's motion for summary judgment on plaintiff's medical malpractice claim for failure to file a certificate of merit is DENIED without prejudice to refiling upon compliance with PA. R. CIV. P. 1042.7.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner  
United States District Judge  
Middle District of Pennsylvania